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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

19 Cr. 285 (GBD)

5 LAURENCE F. DOUD III,

6 Defendant.

Trial

7 -----x

8 New York, N.Y.
9 February 2, 2022
3:00 p.m.

10 Before:

11 HON. GEORGE B. DANIELS,

12 District Judge
13 -and a Jury-

14 APPEARANCES

15 DAMIAN WILLIAMS

16 United States Attorney for the
17 Southern District of New York

18 BY: NICOLAS T. ROOS

ALEXANDRA ROTHMAN

THOMAS S. BURNETT

Assistant United States Attorneys

19 ROBERT C. GOTTLIEB

20 DERRELLE M. JANNEY

PAUL R. TOWNSEND

Attorneys for Defendant

21 Also Present: Sunny Drescher

22 Jacqueline Hauck

Paralegal Specialists

23 Special Agent George Burdzy, DEA

24 Investigator Kathleen Whitmore, DEA

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(Trial resumed; jury not present)

THE COURT: Ladies and gentlemen, we have a note from the jury, "We need to know the unit of measurement in Exhibit GX 908A."

My understanding is that you can't agree on how to respond to this.

MR. JANEY: If we can give some context, your Honor, just to frame it.

First of all, good afternoon, your Honor.

The exhibit that was requested is Exhibit 909. Exhibit 909 refers at the top in the header to Exhibit 908A. Specifically it says fentanyl sales to pharmacies in GX 908A. So, presumably, the jury is looking at this, and they want what it refers to. And Exhibit 908A refers to dosage units as the units of measurement. That's all it makes reference to is dosage units. Then the question becomes what are dosage units. The dosage units are not defined within Exhibit 908A.

THE COURT: Is it defined in the evidence before the jury?

MR. JANEY: No, your Honor. The evidence does not define dosage units. There is some other testimony that talks in terms of grams, but dosage units are not defined by the testimony admitted in evidence.

THE COURT: Does the jury have 908A with them?

MR. JANEY: No, your Honor, it does not.

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1 THE COURT: Where is 908A. Let me see.

2 MR. JANEY: If I can, 908A is a series of slides.

3 THE COURT: So, what from the government's perspective
4 are dosage units?

5 MR. BURNETT: I think that the disagreement is a
6 little bit different than Mr. Janey's framed it. He's correct
7 that the unit on 908A is dosage units, and we agree with
8 Mr. Janey that there is not in evidence any further definition
9 of how to define dosage units.

10 So I think a correct beginning to the answer to the
11 question should be, that the units in 908A is dosage units,
12 period.

13 I think what the government is concerned about is that
14 if we could pull back up 909. So 909 is the exhibit that the
15 jurors currently have with them. But because this was a
16 printout of a spreadsheet, it doesn't have an exhibit sticker
17 on it. So the jurors currently don't know this is Exhibit 909.
18 So our concern is that they're looking at this, seeing a
19 reference to 908A at the top, and are thinking that they're
20 looking at 908A, and are asking what the units on this
21 spreadsheet are, which are grams, not dosage units.

22 So what the government would propose is saying the
23 answer to the question is the units in 908A are dosage units,
24 period. To be clear, the exhibit that you have, the printout
25 of a spreadsheet, is Government Exhibit 909, not 908A. 909

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1 reflects grams.

2 MR. JANEY: We object to that. Number one, this chart
3 does not anywhere on it that I can see, unless I need to put my
4 glasses back on, it doesn't mention grams. If I can finish.
5 It doesn't mention grams at all.

6 THE COURT: So the exhibit that is not 909 that was
7 admitted into evidence doesn't say grams?

8 MR. JANEY: It does not say grams, and I don't want to
9 develop factual explication for the jury to help provide a
10 platform for the answer.

11 MR. BURNETT: Your Honor --

12 THE COURT: What did we send them in response to their
13 request?

14 MR. BURNETT: We sent them 909 which is what you have
15 on the screen right now.

16 THE COURT: Is that what they asked for, 909?

17 MR. JANEY: Yes.

18 MR. BURNETT: They didn't ask for anything. They
19 asked for the chart that was shown in closing.

20 MR. JANEY: I think, your Honor, there is no question
21 that the substance and the parties agreed, so this isn't open
22 to debate. What the parties agreed is what the request
23 elicited is this exhibit on the screen in front of your Honor.
24 That's not subject to debate. Number one.

25 Number two, the chart that they asked for does not say

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1 grams anywhere on it. I understand that the government's
2 concern is they may think that they have 908A and they don't.
3 But, that doesn't seem right to me. I think they are clearly
4 inferring they don't have 908A and they are asking for it.
5 Because the top of the chart in the header is saying this
6 relies on data that is in -- and I am reading it literally --
7 in GX 908A. So they are saying, get me 908A. We are saying
8 great. We can give you 908A. But 908A in terms of the unit in
9 measurement is dosage units.

10 THE COURT: You want to do what in response to this?

11 MR. JANEY: I want to give them 908A, which is what I
12 believe that they have asked for.

13 THE COURT: Okay. Well, they didn't ask for 908A.

14 MR. JANEY: Or the units of measurements, the answer
15 to that question is dosage units.

16 THE COURT: That's what I am trying to figure out,
17 what you want to do or say?

18 MR. JANEY: That's all I want to say is dosage units.
19 I don't have a -- that's not my problem.

20 MR. BURNETT: Your Honor, two things. First,
21 Mr. Janey is correct that 909 does not literally say grams, but
22 there is testimony in evidence that says 909's units are grams.
23 We can refer them to that testimony. Again, Mr. Janey is
24 correct that 908A is dosage units. I think it a little odd
25 they would ask for a unit of measurement in a chart they

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1 haven't seen. So we have a real concern if we just send back
2 dosage units as the answer, they'll have this chart, which is
3 not 908A in front them, and think they are looking at dosage
4 units, which would be false.

5 THE COURT: The way you just said it, I'm not sure
6 it's true. You say an exhibit that they haven't seen. You
7 don't mean that. You mean an exhibit that's not in the jury
8 room currently.

9 MR. BURNETT: That's correct.

10 THE COURT: They've seen 908A.

11 MR. BURNETT: Our concern is if they mistakenly think
12 they have 908A with them, then sending back dosage units
13 would --

14 MR. JANEY: They clearly can't be mistaken they have
15 908A. It refers to the top, it clearly is indicating that the
16 data in -- that 908A is a separate document.

17 THE COURT: So how do I explain that to them?

18 MR. JANEY: I think, your Honor, from the defense
19 perspective we answer their question. The --

20 THE COURT: We shouldn't explain that to them?

21 MR. JANEY: They've seen this many times before.

22 THE COURT: It doesn't matter if they've seen it.
23 They are asking for further evidence that they want to --

24 MR. JANEY: The evidence that they are asking for, the
25 answer to that is dosage units. We should answer their

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1 question.

2 THE COURT: Well, where is the testimony that relates
3 to these documents?

4 MR. BURNETT: The document that says that 909 reflects
5 grams is -- sorry. I'm having trouble reading.

6 MS. ROTHMAN: So, your Honors, that's my poor
7 penmanship. It comes up twice. It the comes up in Kerry
8 Whitmore's testimony, that's 674, line 1, through 677, line 13.
9 And then, it comes up in Sarah Rosenberg's testimony.

10 THE COURT: Wait.

11 MS. ROTHMAN: 674, line 1.

12 THE COURT: 674, line 1.

13 MS. ROTHMAN: Through 677, line 13.

14 THE COURT: I'm not, I'm sorry. I'm confused. That's
15 not what I see here. What is the question on the transcript?

16 MS. ROTHMAN: I need to get my --

17 MR. JANEY: Your Honor, I know your Honor is looking
18 and the government is seeking copies of the transcript. I will
19 say from the defense perspective, I don't recall the first
20 witness that the government is now discussing in answer to your
21 question referring to this exhibit as an explication --

22 MS. ROTHMAN: If I can --

23 THE COURT: The page that I have does not refer to
24 this exhibit.

25 MS. ROTHMAN: If I can just take a moment to explain

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1 and it may speed things up.

2 So if the Court recalls, Ms. Whitmore spoke about an
3 underlying document that had all of the fentanyl sales, that's
4 what she's talking about in 348A. She explains that that
5 document has grams as the unit of measurement. We don't need
6 her entire testimony, it can be a line, where she says it is
7 grams. But if you want to see the scope of her testimony where
8 she talks about 348A involving grams, you are going to see it
9 in the pages --

10 THE COURT: Well, you are confusing me, because they
11 are not asking about 348A.

12 MS. ROTHMAN: Let me explain.

13 THE COURT: And the exhibits that we are discussing
14 are 908A, and 909.

15 MS. ROTHMAN: You're right. If I can, your Honor.
16 What she's talking about 348A and she says it's grams. Sarah
17 Rosenberg says that she takes 348A, and filters for certain
18 information. That is 909.

19 THE COURT: Where is that testimony, because that's
20 not reflected --

21 MS. ROTHMAN: Sure.

22 THE COURT: One cannot read the transcript 674 and
23 glean that from that transcript.

24 MS. ROTHMAN: So, then if you look at 1488, line 3,
25 our paralegal has the relevant portions on the screen, your

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1 Honor.

2 THE COURT: It's too small for me to read it.

3 MS. ROTHMAN: We can try and make it bigger.

4 THE COURT: 1488. I have the transcript.

5 MS. ROTHMAN: And Mr. Burnett asks: Can you briefly
6 describe what's in Government Exhibit 348A?

7 THE COURT: Okay.

8 MS. ROTHMAN: And Ms. Rosenberg says: It's
9 pharmacies, the amount of fentanyl and the summation column.

10 She's referring to 348A, which Ms. Whitmore has
11 already said is grams. She doesn't specify grams here, but
12 she's referring to 348A. And if you go down a little more, on
13 line 22, Mr. Burnett says: I am going to show you Government
14 Exhibit 909. There's two sheets.

15 She explains that 909 is an excerpt from 348A. And
16 then it's admitted.

17 THE COURT: Where does that say this is grams?

18 MR. JANEY: It doesn't, your Honor. That's the
19 problem.

20 MS. ROTHMAN: Thank you, Mr. Janey. I think it does.
21 Because --

22 THE COURT: Where?

23 MS. ROTHMAN: Well, Ms. Whitmore says that 348 is
24 grams. Ms. Rosenberg says I took 348, and I filtered it, and I
25 made 909. So, I think you put the two things together, your

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1 Honor.

2 THE COURT: How am I supposed to explain that to a
3 jury?

4 MS. ROTHMAN: You point them to the transcript cite.

5 THE COURT: The transcript doesn't reflect that.

6 MS. ROTHMAN: I think it does.

7 THE COURT: It says I am going to show you what's been
8 marked as Government Exhibit 909. And then where does it say
9 that Government Exhibit 909 is in grams?

10 MS. ROTHMAN: Your Honor --

11 MR. JANEY: It doesn't.

12 MS. ROTHMAN: Mr. Janey, I have waited for you.

13 THE COURT: Don't talk to him. Talk to me.

14 MS. ROTHMAN: Thank you, your Honor.

15 Ms. Rosenberg does not say the express words that 909
16 is in grams that I've seen, but I can go back and check. It
17 may have been asked on cross-examination. What she does say is
18 that she took 348A, and filtered it, and she made 909. And
19 348A is described as grams by Ms. Whitmore.

20 So if we are asking what the unit of measurement is in
21 909, which we think the jury may be thinking about, even though
22 they used 908A, we don't think it's improper to just say, and
23 there's a couple of ways to do this, but to point them to the
24 portions of the transcript that address unit of measurement
25 with respect to 909.

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1 THE COURT: Show me in 908A, and show me what you sent
2 in as 909.

3 MR. JANEY: Can we put it on the screen?

4 THE COURT: I want it physically because I want to
5 know whether or not the jury should have this.

6 MR. JANEY: If I can. Our position is it is improper
7 to speculate as to what the jury needs and give them something
8 on a speculative basis. The question that the jury has asked
9 is specific. There is a specific answer to the jury's
10 question. If there is a document to give the jury, which they
11 have not asked for, but if there is a scope of giving them a
12 document in support of their question, that only document would
13 be 908A. Because it specifically states the answer to the
14 question that they are seeking, which is what are the units of
15 measurement in support of the chart that they have, which is
16 909. That specific unit of measurement is dosage units.

17 THE COURT: Wait.

18 MR. BURNETT: I think I have a compromise that may be
19 able to satisfy Mr. Janey.

20 THE COURT: I doubt it.

21 MR. JANEY: I am not usually satisfied.

22 MR. BURNETT: Our concern is based merely on the
23 fact --

24 THE COURT: What's your solution?

25 MR. BURNETT: The solution is we give them 908A, and

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1 we give them another copy of 909 that has a sticker on it so
2 it's clear what they are looking at.

3 THE COURT: What did you give them in response to what
4 request -- give me the note when they asked for this. What is
5 that you say they asked for that you gave them this?

6 MR. BURNETT: Last time they asked for the charts,
7 they asked for a couple things, but one of the things they
8 asked for was the charts that were used on summation about
9 fentanyl weight. That was Government Exhibit 909 which is on
10 the screen. Because we had used this as a spreadsheet, there
11 wasn't, there is not a copy of it that we had a sticker on. So
12 we gave them a printout of the spreadsheet, but that printout
13 did not have a GX sticker on it.

14 I think a solution might be just to give them 908A,
15 which has a sticker on it as Mr. Janey is proposing, but also
16 give them another printout of 909 with a GX 909 sticker on it.
17 That way if it says 908A, it says dosage units.

18 MR. JANEY: Just to come back to it. I don't have an
19 objection to putting a sticker on 909 which is the document
20 we've already provided. Okay. Which deals with the question,
21 the response to their question on fentanyl weight in the prior
22 note.

23 With respect to the next step, they didn't ask for
24 908A. So, I only want to answer their question, which is units
25 of measurement which is dosage units. They don't need --

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1 THE COURT: You don't want to tell them that the
2 measurement in 909 is grams?

3 MR. JANEY: It doesn't say it.

4 THE COURT: I didn't ask you that. You don't want to
5 tell them that?

6 MR. JANEY: No, your Honor.

7 THE COURT: That's all I'm trying to understand.

8 MR. JANEY: The answer is no. To provide the basis,
9 part of what I'm hearing and what I believe, even prior to this
10 colloquy, is the specific answer was not elicited. Dosage
11 units were not explained. Nowhere does it say that this is
12 talking in terms of grams on that exhibit.

13 THE COURT: You disagree that the record reflects that
14 this is in grams, and you don't think that that evidence is
15 before the jury?

16 MR. JANEY: Number one, I'd have to look back at the
17 transcript to the testimony about 348, which is an entirely
18 different exhibit. So, the short answer is I don't know the
19 answer to that standing here. I'd have to look back at the
20 transcript.

21 THE COURT: Well --

22 MR. JANEY: They didn't ask for 348.

23 THE COURT: You got two choices. You can either agree
24 on what I should send in, and how I should send it in, or I am
25 going to bring this jury out and I am going to explain it to

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1 them. That's your choices. I am not going to keep them
2 ignorant, and I am going to explain to them and I am going to
3 tell them if they want something more than that, then they
4 should let us know.

5 I'm perfectly prepared to say, look, what you have is
6 909. That document is measured in grams. This is 908, and 908
7 is just unit dosages. So if you want something more than that,
8 that answers your question, then that's the answer to your
9 question. If you want something more than that, then tell me,
10 tell us what else you want and we'll send in whatever else you
11 want or answer any further questions that you have.

12 I can explain it to them or you guys can agree on what
13 should go in and what we should say on a piece of paper if we
14 send it in and we can do it that way.

15 Those are your two choices.

16 MR. JANEY: Can I ask a question. Can I for me, and I
17 am asking you to help me. Where does the record show that 909
18 is expressed in grams?

19 THE COURT: I don't know. I don't know.

20 MR. JANEY: My concern --

21 THE COURT: They tell me it does show it.

22 MR. JANEY: I hear an assertion.

23 THE COURT: Let's put that aside for a second.

24 If the record does show that, what do you want to do?

25 MR. JANEY: If the record does show that, your Honor,

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1 the record shows that. But --

2 THE COURT: If the record does show that, what do you
3 want to do?

4 MR. JANEY: If the record shows that, there is no
5 reason to haul the jury out and to explain it to them. If the
6 record shows that, then we can include that as part of the
7 answer.

8 I'm not hearing that the record definitively shows
9 that 909 expresses in terms of grams. And my concern is if
10 that is unclear from the record, either by further explication
11 of 909, physically on a note or bringing them here, it's not
12 proper for that explanation to be given, and I know your Honor
13 agrees with that.

14 MR. BURNETT: I think the jury should decide if it's
15 clear or not. We should give them the pages of the transcript.
16 And if Mr. Janey is right that it's unclear, the jury will find
17 out it's unclear.

18 THE COURT: What is the specific page and line that
19 designates it as grams?

20 MR. BURNETT: Two steps, your Honor.

21 THE COURT: Don't give me two steps. Answer my
22 question first before you get to the two step. I am asking
23 about a one step. All right. Is there a portion of the
24 transcript that refers to grams?

25 MR. BURNETT: So, there is a portion that refers to

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1 grams.

2 THE COURT: Where is that? What page is it on?

3 MR. BURNETT: Two steps to get from there.

4 THE COURT: Is there a portion of the transcript that
5 says grams?

6 MR. BURNETT: Yes.

7 THE COURT: Show me where it is. Tell me what page.
8 What page and line is that.

9 MR. ROOS: 676, line 25.

10 MR. JANEY: Can you repeat that, Mr. Roos?

11 THE COURT: 676, line what?

12 MR. ROOS: 25.

13 THE COURT: Okay. So, the question is, in line 20,
14 "So, according to this chart" and what is the chart that is
15 being referred to here?

16 MR. ROOS: 348A.

17 THE COURT: Okay. "According to this chart, what's
18 the total amount of fentanyl weight that RDC sold to its
19 customers between 2012 and 2016?

20 "A. A total weight of 11,476.72.

21 "Q. Of what?

22 "A. Grams, sorry."

23 That's the testimony that went along with which chart?

24 MR. JANEY: 348.

25 MR. BURNETT: 348A.

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1 THE COURT: Do they have 348 with them?

2 MR. ROOS: We didn't send that one back.

3 THE COURT: Where is 348. Show me 348.

4 MR. BURNETT: 348A.

5 THE COURT: 348A was not responsive to their request
6 at that time?

7 MR. ROOS: Well, I mean --

8 MR. BURNETT: It wasn't specifically used during the
9 summation. Basically what happened, and as Ms. Rosenberg
10 testified what she did is she took 348A, took an excerpt of
11 348A and that was 909. And they asked -- 909 was responsive to
12 their question. That's why it's two steps.

13 THE COURT: And you sent them 909?

14 MR. BURNETT: Yes.

15 THE COURT: How many pages is 909?

16 MR. BURNETT: Two.

17 THE COURT: And 909 is what in relationship to --

18 MR. BURNETT: 909 reflects two excerpts from 348A.

19 THE COURT: When you say excerpts, what do you mean?

20 MR. BURNETT: If you pull up 348A, you see it is
21 labeled, there's row labels which has pharmacies listed. Then
22 it's years 2012 to 2016 and a grand total line.

23 THE COURT: When you say excerpt, you mean just
24 literally a portion of that page?

25 MR. BURNETT: Yes, I'm explaining.

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1 MR. JANEY: No.

2 MR. BURNETT: If you go to 909 now, all of the same
3 rows are there. The same rows, the same years, the grand
4 total.

5 THE COURT: Is that exactly the way it looks on the
6 other document?

7 MR. JANEY: No.

8 MR. BURNETT: We excerpted.

9 THE COURT: When you say excerpted, did you just lift
10 it literally in the way it was or did you reconfigure it?

11 MR. JANEY: No.

12 MR. BURNETT: We lifted -- here, for example, look at
13 ProHealth Pharmacy.

14 THE COURT: Give me the two documents. Give me
15 physically the two documents.

16 MR. BURNETT: I can explain on the screen.

17 THE COURT: You are not explaining it very well for me
18 to explain it to the jury. Give me the two documents. Let me
19 see the two documents.

20 MR. BURNETT: We need to print out 348A.

21 THE COURT: I'm not here to go through acrobatics to
22 explain this to the jury.

23 MR. BURNETT: We just lifted lines from one and put it
24 in the other. It is copy and pasting.

25 MR. JANEY: It's not.

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1 MR. BURNETT: Mr. Janey is just wrong.

2 THE COURT: Since it's not in front of me, I have no
3 idea what you are talking about.

4 MR. BURNETT: Okay.

5 MR. ROOS: We are going to print out copies of both
6 these with the exhibit stickers, and then we can all walk
7 through it together.

8 THE COURT: How long is 908A?

9 MR. BURNETT: It's going to be long. We never printed
10 it before.

11 Sorry. 908A is on the screen. 348 --

12 THE COURT: How many pages is that?

13 MR. ROOS: That's eight.

14 MS. ROTHMAN: Would your Honor like a copy of 908A?

15 THE COURT: Yes, I'd like a copy of all three of these
16 documents that you say are necessary for the jury to figure out
17 what this means.

18 (Pause)

19 THE COURT: Just give me the front page, if you have
20 it already, the front page of 278.

21 MR. JANEY: Are you referring to 348, your Honor?

22 THE COURT: 348A. Do you have the front page?

23 MS. ROTHMAN: We'll print a copy of it.

24 MR. ROOS: Our other paralegal is downstairs printing
25 it out.

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1 THE COURT: Do you have the front page?

2 MS. ROTHMAN: I don't. We are going to get copies of
3 it right now, your Honor.

4 THE COURT: You say 909 is what you sent in?

5 MR. BURNETT: Yes.

6 THE COURT: And how many pages is that?

7 MR. ROOS: Two.

8 THE COURT: And there's no government exhibit number
9 on that document?

10 MR. BURNETT: That's right. Because it was a
11 spreadsheet when we presented to the jury, and we forgot to put
12 a sticker on it when we brought it back to them.

13 THE COURT: Was it admitted in evidence?

14 MR. BURNETT: Yes.

15 MR. JANEY: There is no dispute about that, your
16 Honor.

17 MR. ROOS: We think at least we should give them a new
18 copy with a sticker on it.

19 MR. JANEY: The defense doesn't object to that, your
20 Honor.

21 THE COURT: That's at least what we need to do. So,
22 do we have a government sticker that says 909 on it that you
23 can put on that two-page document?

24 MS. ROTHMAN: Yes.

25 THE COURT: Is there a sticker on 248A?

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1 MR. JANEY: 348A.

2 THE COURT: Sorry. 348A.

3 MR. BURNETT: If we were to print it, we would put a
4 sticker on it.

5 THE COURT: We don't have a sticker on it?

6 MR. BURNETT: It's never been printed.

7 THE COURT: It was admitted in evidence as a
8 spreadsheet like this one? You never put a sticker on it?

9 MR. BURNETT: We'll do it now.

10 THE COURT: I am asking the question you never did it.
11 Right? That's my question.

12 MR. ROOS: Correct.

13 THE COURT: So there is no physical document right now
14 that has that exhibit number on it.

15 MR. BURNETT: It has a sticker saying that exhibit on
16 it, yes.

17 THE COURT: Right. Okay. 908A is how many pages?

18 MR. JANEY: It's a multipage, it's eight pages, your
19 Honor.

20 THE COURT: And 909 is how many pages; two?

21 MS. ROTHMAN: Two pages, yes.

22 THE COURT: And 348A is how many pages?

23 MR. BURNETT: We don't know the answer yet until it
24 prints out.

25 THE COURT: Is it more than 10?

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1 MS. ROTHMAN: So, your Honor, there are two sheets to
2 348A. The first sheet should be able to be printed. The
3 second sheet has 9,000 lines on it -- 90,000 lines, which we
4 cannot print. But I think the relevant portion is that first
5 sheet which we are printing right now.

6 THE COURT: The first, when you say the first sheet.
7 That's the first page?

8 MS. ROTHMAN: No, if you think of an except, there's
9 two sheets at the bottom so you can toggle between sheets. I
10 think it is probably easier to answer that question once we
11 have the document in front of us.

12 MR. JANEY: I think it's fair to say that sheet one is
13 a page. It's going to be on one sheet of paper. It is a page.

14 THE COURT: Sheet one of 348A.

15 MR. JANEY: Yes. Sheet one is the equivalent of a
16 page. It's just an Excel Workbook.

17 THE COURT: Well, unless you give me some reasonable
18 alternative to be able to give the jury something that's useful
19 to them in response to their request, this is what I propose to
20 do. I propose to get those documents, and I propose to bring
21 the jury out. And I propose to say directly to them, 908A is
22 not the document that you have in the jury room. The unit of
23 measurement in 908A is dosage units. What you have before you
24 is 909, which is taken from 348A. The unit of measurement in
25 those two exhibits is grams.

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1 MR. JANEY: If I can just ask your Honor, and this is
2 where I need the help. And it's only on the last component. I
3 don't believe that there's been a clear demonstration that 348A
4 refers to 909, such that 348 defines the unit of measurement in
5 grams.

6 THE COURT: You dispute that fact?

7 MR. JANEY: I don't know that fact.

8 THE COURT: No, you want to avoid my questions here.
9 My questions are always very specific.

10 MR. JANEY: I dispute it.

11 THE COURT: Do you dispute that fact?

12 MR. JANEY: I dispute it because it's not in the
13 record.

14 THE COURT: Do you dispute that fact?

15 MR. JANEY: Yes.

16 THE COURT: That 909, which is taken from 348A, that
17 the unit of measurement in those two exhibits is grams?

18 MR. JANEY: In 348A.

19 THE COURT: You say it is not.

20 MR. JANEY: In 348A, yes. 348A measures in grams.

21 THE COURT: And 909 is taken from 348A. And 909 is
22 measured in grams, right?

23 MR. JANEY: I think that's the question.

24 THE COURT: Is that true?

25 MR. JANEY: I don't know that's true.

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1 THE COURT: Why would you not know that's true if it
2 is the exact same exhibit taken from that exhibit?

3 MR. JANEY: I think that's what the government is
4 trying to show as we stand here and wait for the paper.

5 THE COURT: You think you are disputing that?

6 MR. JANEY: Your Honor, I can't say that I dispute or
7 agree with something --

8 THE COURT: I don't know why. You've both been in the
9 same courtroom listening to same testimony and you are trying
10 to tell me that I shouldn't tell the jury that.

11 MR. JANEY: The testimony of the witnesses have not
12 been -- certainly the first witness that's being referred to by
13 the government for the purposes of this offer of proof is not
14 that these two documents match. I don't know how -- your
15 Honor --

16 THE COURT: You contend these two documents don't
17 match?

18 MR. JANEY: The witness --

19 THE COURT: You contend these two documents, that the
20 evidence in this case demonstrates that these two documents
21 don't match?

22 MR. JANEY: Your Honor --

23 THE COURT: That's not your position, is it?

24 MR. JANEY: I am going to be --

25 THE COURT: Is that your position?

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1 MR. JANEY: I don't know how to formulate a position
2 when I don't have the information.

3 THE COURT: That's not your position. Right? Your
4 position is not that those two documents don't match. That's
5 not your position. Is it?

6 MR. JANEY: My position is, I don't know.

7 THE COURT: Well, your avoidance tells me more than
8 your answer. I'm not playing games.

9 MR. JANEY: My comment earlier still stands. If the
10 record shows it is measured in grams, it is what it is.

11 THE COURT: It's not it is what it is. I have to
12 respond to a jury note. You have to tell me how do I give them
13 accurate information by responding to them that's useful to
14 them during their deliberations.

15 MR. JANEY: If I can just see the physical documents.

16 THE COURT: I'm waiting for it now.

17 MR. JANEY: Then I can give a very clear answer.

18 MR. BURNETT: I can also read the transcript page
19 where it says 909 comes from 348A.

20 THE COURT: And what page is that?

21 MR. BURNETT: That's 1488, line 6.

22 THE COURT: What did you say?

23 MR. BURNETT: Page 1488, line 6, and it goes until
24 1489, line 4.

25 THE COURT: 1488, line 6.

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1 MR. BURNETT: Until 1489, line 4.

2 MR. JANEY: To what line, Mr. Burnett?

3 MR. BURNETT: 1488, line 6, to 1489, line 4.

4 THE COURT: And the chart on 909, you say is lifted
5 from what page of 348A?

6 MR. BURNETT: So, your Honor, I can't answer the page
7 because I've never actually seen the physical -- it's lifted
8 from what we've been calling sheet one of 348A. That's where
9 it comes from. I don't know what physical page that will match
10 up to.

11 THE COURT: I'm trying to figure out for Mr. Janey's
12 edification whether or not if he looks at one document, and
13 compares it to the other document, it has the exact same
14 information on it.

15 MR. BURNETT: I can tell you exactly what it is we did
16 to go from 348A to 909. What we did is 348A has a pharmacy
17 listed and it has the fentanyl weight per year with a total at
18 the end. What we did is for pharmacies, so a pharmacy like
19 ProHealth, we clicked on the row that said ProHealth in 348A,
20 copied it, and pasted it into 909. That's what we did. We did
21 that for eight pharmacies in the first chart on 909, and some
22 larger number for the second chart.

23 THE COURT: Show me where 909 is the same as a portion
24 of 348A. I'm trying to make sure I understand. You are not
25 saying that 909 is literally exactly the way it is ordered in

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1 348A?

2 MR. BURNETT: Not the same order. It is the same
3 information.

4 THE COURT: Not the same order. So it is not lifted,
5 it's not lifted word for word a portion of that page.

6 MR. BURNETT: It is.

7 THE COURT: It is a compilation of pages.

8 MR. BURNETT: It lists, it is a compilation of
9 different lines from within 348.

10 THE COURT: It is not a snapshot of 348A. It is a
11 compilation put together from documents that are ordered in
12 relationship to each other differently than they are on 909.

13 MR. JANEY: We would agree.

14 MR. BURNETT: 909 --

15 THE COURT: I don't know why you guys don't answer my
16 question. Answer my question. Just tell me is that right or
17 not right.

18 MR. BURNETT: I don't think it's susceptible to yes or
19 no answers. I am not sure I understand the question.

20 THE COURT: Everything is susceptible to a yes or no
21 answer. Then you can explain. Give me the yes or no and then
22 explain. If you say, no, that's right not, tell me it's not
23 right. If you say it's yes, that's right, tell me. If you
24 have something else to add, tell me that.

25 MR. BURNETT: If you look at 909, these eight

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1 pharmacies that are listed do not appear together in 348.

2 THE COURT: That's what I'm asking. I am not trying
3 to complicate this. This is not a trick question. I am trying
4 to get you to give me so I can do this, so we can get a verdict
5 from the jury.

6 MR. JANEY: The defense would agree with that, your
7 Honor.

8 THE COURT: Now, the information, Mr. Janey, the
9 information on 909, is there anything about the accuracy of
10 that information as reflected on 348A that you dispute?

11 MR. JANEY: No, now that I've had an opportunity to
12 compare, no.

13 THE COURT: Is it indisputable or not that 348A, the
14 numbers on 348A refer to grams?

15 MR. JANEY: It appears from the rest of the record
16 that it is in grams. But you do not discern that from these
17 exhibits.

18 THE COURT: Is there any dispute as to whether or not
19 these numbers refer to grams?

20 MR. JANEY: No. The defense believes that the record
21 shows that this is grams, your Honor.

22 THE COURT: Okay. Now, the record shows that those
23 exact same numbers are on the 909. Right?

24 MR. JANEY: Yes, your Honor.

25 THE COURT: Is there any dispute that the numbers on

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1 909 are in grams?

2 MR. JANEY: No, not at this point, your Honor.

3 THE COURT: So where's the fight? Other than you just
4 think it may advance their case and not advance your case.
5 What's the legitimate fight?

6 MR. JANEY: Your Honor, our beginning position was --

7 THE COURT: I want to know your ending position.

8 MR. JANEY: Well --

9 THE COURT: What's the fight now?

10 MR. JANEY: At this juncture, your Honor, there is no
11 fight.

12 THE COURT: What do you want me to do? I'm trying to
13 give you the choice. What do you want me to do in order for
14 the jury to understand that the document that they have in
15 front of them is in grams?

16 MR. JANEY: We should answer their direct question.

17 THE COURT: You want me to bring them out or on a
18 piece of paper that you agree to?

19 MR. JANEY: Your Honor, I think we can agree to a
20 piece of paper. I don't think it's necessary to bring the jury
21 out for this, from the defense perspective.

22 THE COURT: What do you want to say to them?

23 MR. JANEY: That the document 908A, the unit of
24 measurement is dosage units. That's one. Two, that the
25 underlying document, referred by implication in with respect to

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1 908, 909, measures in grams.

2 THE COURT: Okay.

3 MR. JANEY: That's the defense's proposal.

4 THE COURT: Do they have 348A in front of them?

5 MR. JANEY: No, they do not. Candidly, I don't
6 believe they need 348A to answer the question. Either with
7 respect to the measure of units in 908A, and/or to understand
8 that 909 measures in grams for that purpose. They don't need
9 348A and they didn't ask for it.

10 THE COURT: Why can't we give them a note that says,
11 908A is not the document you have in the jury room. The unit
12 of measurement in 908A is dosage units. What you have before
13 you is 909. The unit of measurement in 909, Exhibit 909, is
14 grams.

15 MR. JANEY: Yes, the defense would agree, your Honor.

16 THE COURT: And I propose what we do is we simply put
17 a sticker on Government Exhibit 908A, and a sticker on
18 Government Exhibit 909, and send it in with that note.

19 MR. JANEY: The defense would agree, your Honor.

20 THE COURT: Then that's all we need to know.

21 MR. JANEY: We appreciate your help.

22 THE COURT: Let's do that.

23 Did you say they had 908A in the jury room with them
24 or they do not?

25 MR. BURNETT: Not yet, no.

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1 THE COURT: But they do have 909?

2 MR. JANEY: Yes, your Honor, they do.

3 THE COURT: So, and then, Mr. Janey, you say we should
4 just dispense from even making reference to 348A?

5 MR. JANEY: That's correct, your Honor, I don't
6 believe it's necessary. They didn't ask for it.

7 THE COURT: So if we can do that and get that to them
8 quickly so they can continue their deliberations with that
9 useful information.

10 Each side can sign this.

11 Another note from the jury.

12 They want some more documents now related to this. So
13 here's another note from the jury. Pull out what they have
14 asked for, they want a couple of other exhibits and they want
15 some testimony.

16 (Pause)

17 MS. ROTHMAN: We'll get these, your Honor.

18 MR. JANEY: Your Honor, the current request goes to
19 sort of a practical problem that I raised I think several days
20 ago.

21 THE COURT: Keep your voice up.

22 MR. JANEY: Sorry. The weeks are blending at this
23 point.

24 But the underlying spreadsheet that's now being
25 requested, 268 is an extremely large Excel model. It takes

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1 quite some time to actually load. As a practical matter it is
2 impossible to print it to my understanding. That's been the
3 experience for both the defense and I believe also for the
4 government. It is conceivable, and I'm looking to the
5 government on this, to provide a laptop to the jury room. But
6 I don't know any other way for them to see this data.

7 THE COURT: What was presented to the jury, what did
8 they see?

9 MR. ROOS: They saw a summary chart.

10 THE COURT: They saw the summary chart?

11 MR. ROOS: That summarizes, what they may be looking
12 at is some of the summary charts, including some of the ones
13 that went back, I think from two notes ago, referenced 268,
14 which is all RDC controlled substance sales data for every
15 single order.

16 MR. JANEY: That's the large model that I'm making
17 reference to. Our experience, at least from the defense, the
18 government may have a different experience, is that it takes
19 about five minutes for it to actually load on the computer.
20 And then they would have to actually physically look at it on a
21 computer. But printing it is really not a possibility.

22 THE COURT: So, like I said, what was shown to them on
23 the screen?

24 MR. JANEY: A summary chart by the government, and
25 they have I believe the summary chart in the jury room, but

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1 they are asking for the underlying data set.

2 MR. BURNETT: The same issue will apply for another
3 portion of their request which relate to order of interest data
4 that they saw a summary chart summarizing, but it seems they
5 are asking for the underlying materials.

6 MR. JANEY: Again, so what we propose, at least from
7 the defense, your Honor, to address it, put this on the laptop,
8 we have it loaded, I suspect the government also has it loaded,
9 and to show them the underlying data set vis-a-vis the laptop.
10 They specifically asked for the underlying data. That's the
11 request. We anticipated that might happen. And as your Honor
12 said at the time when I raised it, is we'll figure it out if
13 they ask for it. Now they've asked for it. Again I propose we
14 put it on the laptop and let them see it.

15 THE COURT: How do you propose we do that?

16 MR. ROOS: At least from the government's perspective,
17 we think we probably would be the ones providing the laptop.
18 It may take a -- let us work on that. I think there are, there
19 is a transcript request and two other exhibit requests that we
20 can deal with easily, and I propose let's get that stuff to the
21 jury. And then work on this sales data spreadsheet issue.

22 THE COURT: Well, can you do two things at the same
23 time? Give me everything else, and then try to pull together
24 what you say you can agree upon that goes into the jury room.
25 In the meantime, as you pull that together, I am going to go

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1 ahead and send them 909 and 908A.

2 MR. JANEY: Can I make a suggestion, your Honor?

3 THE COURT: Yes.

4 MR. JANEY: Because, I'm addressing to you, but the
5 government's listening. With this current request, they're
6 also asking for what is Exhibit 348A.

7 THE COURT: They are asking for that now?

8 MR. JANEY: We can give that to them.

9 THE COURT: You don't want me to say anything about
10 348A with regard to these other documents?

11 MR. JANEY: No, because that's not in the context of
12 that particular request.

13 THE COURT: All right. So, what I would, I would say
14 is that 348 -- let me go ahead and send in the first request.

15 MR. JANEY: All right.

16 THE COURT: We'll leave 348A unconnected to the first
17 request. Since they specifically asked for it in the second
18 request.

19 MR. JANEY: Thank you, your Honor.

20 (Pause)

21 MS. ROTHMAN: Just a question thinking ahead. If your
22 Honor is going to send transcripts back to them, do you want us
23 to prepare a copy that we will give to your clerk to send back
24 or --

25 THE COURT: If you two agree on the copies, you can

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1 either give me a copy or we can copy it ourselves. It doesn't
2 matter.

3 MS. ROTHMAN: Okay.

4 MR. ROOS: We have a flash drive with this data. We
5 don't have a computer to put it on. Is there a computer like
6 this in the jury room or anything like that?

7 THE COURT: I don't think so.

8 MR. ROOS: From another trial during the pandemic
9 there was a courthouse laptop.

10 THE COURT: Do we have everything else?

11 MS. ROTHMAN: Your Honor, on the transcript request,
12 there is a slight disagreement between the parties. I can
13 explain what the government wants to go back and Mr. Janey can
14 argue for the defense.

15 THE COURT: Tell me what they asked for and tell me
16 what you think.

17 MS. ROTHMAN: The jury has asked for the fentanyl
18 purchase orders, which is 348A, we agree upon that. We have
19 the document right here ready to go.

20 And they asked for transcript of her explaining said
21 sheet and regarding doses/grams.

22 So the parties agree that should start on 674, line 1.
23 I'll wait for your Honor to get there. The 21st of January.

24 THE COURT: Okay. Who believes it should start on
25 line 1?

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1 MS. ROTHMAN: The parties agree it should start there.
2 The government wants to go until 677, line 13.

3 MR. JANEY: And --

4 THE COURT: 677, line 13.

5 MS. ROTHMAN: Yes. And the defense wants to stop on
6 676, line 25. So the parties are only fighting about 677,
7 lines 1 through 13.

8 MR. JANEY: The basis for it, your Honor, is that the
9 request from the jury is two fold. One, they're requesting the
10 reference to fentanyl. And the testimony from the transcript
11 explaining that particular exhibit, again, in the context of
12 fentanyl, and regarding the doses or grams. So that's clear
13 from the testimony. That's what Ms. Whitmore is testifying
14 about.

15 The further discussion below 676, line 25, the witness
16 is proceeding to a different topic. She is discussing Subsys.
17 That is not in the orbit of the question presented in the jury
18 note.

19 THE COURT: In what way does the government contend
20 that that portion is responsive to their request?

21 MS. ROTHMAN: Yes, your Honor. So the jury's asking
22 for explaining the sheet and regarding doses/grams. And if you
23 look at line --

24 THE COURT: Which one is this, explaining the sheet or
25 dosage/grams?

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1 MS. ROTHMAN: Dosage/grams. If you look at the
2 portion that we're disputing, line 9, how much fentanyl is in a
3 typical dose of Subsys? 100 micrograms. To give some sense of
4 scope, how many doses of Subsys are in just 1 gram of fentanyl?
5 10,000.

6 I think that's precisely on point of doses to grams.

7 THE COURT: You wanted to start where?

8 MS. ROTHMAN: The parties agree it should start on
9 674, line 1.

10 THE COURT: You don't think that is explained, that
11 that portion doesn't explain what they are asking for?

12 MS. ROTHMAN: I think it does. And I think --

13 THE COURT: The portion before that?

14 MS. ROTHMAN: I don't think the point of dosages to
15 grams is covered in the portion the parties agree upon.

16 THE COURT: Where is the note?

17 MR. JANEY: The note, the only thing that's making it
18 ambiguous, your Honor, I guess from the government's
19 perspective is that the note says doses/grams. But the witness
20 in 674, line 1, to 676, line 25, is clearly talking about
21 fentanyl. The jury note on the plain face, and we don't need
22 to read anything into it, is asking about an understanding
23 relating to fentanyl. This jury has heard over two weeks
24 discussion about fentanyl, Subsys, oxycodone. If they wanted
25 an understanding of Subsys, they'd ask for it.

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1 THE COURT: What lines do you claim are responsive to
2 their request?

3 MR. JANEY: 674.

4 THE COURT: Tell me specifically what information,
5 where is that, where is the information you say is responsive
6 to their request regarding doses/grams?

7 MR. JANEY: The question, I'm reading from the
8 transcript on 676:

9 "Q. So, according to this chart, what's the total amount of
10 fentanyl weight that RDC sold to its customers between 2012 and
11 2016?"

12 Now if I can pause there, your Honor. That's the time
13 frame that the jury note is inquiring about. That's one.

14 Two, to continue with the transcript.

15 "A. A total weight of 11,476.72.

16 "Q. Of what?

17 "A. Grams, sorry."

18 That answers the question. When you go down to 677,
19 which is what the government seeks to include, it's actually
20 now a different topic. You can judge that by the nature of the
21 question in 677, line 1.

22 "Q. Now, from your time in the DEA, are you familiar with a
23 product called Subsys?"

24 The government's gone on in that transcript to a
25 different area. The area above, your Honor, answers the

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1 question to the jury note. Again, the time frame in the
2 question in 676, line 20-22, is the time frame that relates to
3 the chart. The prosecution is asking for an explication of the
4 chart in that question.

5 THE COURT: What sheet are they referring to?

6 MS. ROTHMAN: Your Honor, they're referring to 348A.
7 That's the exhibit. But what I think Mr. Janey --

8 MR. JANEY: If I can continue. Yes, I agree with the
9 government, the exhibit that's being referred to is 348A. But
10 again, in referencing the chart, your Honor, the question is
11 explicating the date time frame that's replicated on the face
12 of the jury note. The jury is then asking about the weight,
13 the grams. That answer is given. They are asking in
14 connection with fentanyl. The note on its plain face never,
15 ever, ever, uses the word Subsys.

16 MS. ROTHMAN: Your Honor, if I may. The question the
17 jury has posed is explaining for sheet, which is 348A, and
18 regarding doses per gram. That question is directly answered
19 by lines 1 through 13 of page 677.

20 I think the Court knows that the active ingredient in
21 Subsys is fentanyl. That's in the transcript portion. They're
22 asking about doses per gram, and that's what's answered in the
23 additional 11 lines. Despite --

24 THE COURT: I agree with the government. It will go
25 to that point.

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1 MS. ROTHMAN: We'll prepare those portions to go back
2 to the jury. Yes, your Honor?

3 THE COURT: Yes. What about you have 268 ready?

4 MS. ROTHMAN: Yes.

5 THE COURT: And 252 to 261?

6 MS. ROTHMAN: I'm sorry. With respect to the
7 electronic exhibits, we have that here.

8 THE COURT: Which one are the electronic exhibits?

9 MS. ROTHMAN: It is 268 and -- let me get the exact
10 numbers.

11 MR. ROOS: Everything on the note.

12 MS. ROTHMAN: 268 and 252 to 261.

13 THE COURT: All of that?

14 MS. ROTHMAN: That's on this.

15 MR. JANEY: We agree with that.

16 THE COURT: I need a laptop. Can this work on an
17 iPad?

18 MR. ROOS: It's all Excel, it's all Microsoft Excel.

19 MR. JANEY: If I can just say in my own experience,
20 your Honor, I'm not so sure, given the volume of the data, that
21 that can effectively work on an iPad.

22 THE COURT: All right. Well, I don't have handy a
23 laptop. So I have to --

24 What can I refer to these, what's on the computer, is
25 that a spreadsheet?

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1 MS. ROTHMAN: They are spreadsheets; yes, your Honor.

2 MR. JANEY: The other thing, your Honor, and I believe
3 as the government has prepared the disc drive, the Exhibit 348A
4 is also on this disc. So they'll be viewing all of those
5 exhibits.

6 THE COURT: Do they have exhibit numbers that identify
7 which exhibit is which so the jury knows what they are looking
8 at?

9 MS. ROTHMAN: They do, yes.

10 THE COURT: Do we have the transcripts ready?

11 MS. ROTHMAN: We're getting them prepared right now.

12 THE COURT: And the first request, is there something
13 different that's responsive to that?

14 MS. ROTHMAN: First request?

15 THE COURT: Is that part of what's on the laptop?

16 MR. JANEY: It's part of what's on the laptop. It's
17 the vast bulk of what will be on the laptop.

18 THE COURT: Number one, all three things are on the
19 laptop.

20 MS. ROTHMAN: Except for the transcript.

21 MR. JANEY: We agree.

22 THE COURT: We have another note.

23 MR. JANEY: Did you say we had an additional note?

24 THE COURT: Yes.

25 I have a note from the jury. It reads, "We have

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1 arrived at a verdict and have no need for any further
2 exhibits."

3 Let's get everyone together so we can take the
4 verdict.

5 (Jury present time noted 3:50 p.m.)

6 THE COURT: Ladies and gentlemen, we received your
7 note which says, "We have arrived at a verdict and have no need
8 for any further exhibits."

9 So I am going to ask the law clerk to ask the
10 questions of the foreperson and take the verdict from the
11 foreperson at this time.

12 LAW CLERK: Will the foreperson please rise.

13 Count One. How do you find the defendant Laurence F.
14 Doud with respect to the charge of conspiracy to unlawfully
15 distribute controlled substances?

16 THE FOREPERSON: Guilty.

17 LAW CLERK: Did the defendant Laurence F. Doud
18 conspire to unlawfully distribute oxycodone?

19 THE FOREPERSON: Yes.

20 LAW CLERK: Did the defendant Laurence F. Doud
21 conspire to unlawfully distribute fentanyl?

22 THE FOREPERSON: Yes.

23 LAW CLERK: What quantity of fentanyl did the
24 defendant Laurence F. Doud conspire to unlawfully distribute?

25 THE FOREPERSON: 400 grams, over 400 grams.

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1 LAW CLERK: Count Two. How do you find the defendant
2 Laurence F. Doud with respect to the charge of conspiracy to
3 defraud the Drug Enforcement Administration?

4 THE FOREPERSON: Guilty.

5 THE COURT: Hand me the verdict form.

6 Now, ladies and gentlemen, I want to thank you very
7 much for your jury service. Obviously, jury service is one of
8 the most important duties we all have as citizens. And I want
9 to thank you for the time you put into this case. Usually, it
10 can be I know a major or minor disruption of your own
11 professional and personal lives. And under the COVID
12 circumstances, I know it's even a greater burden. So I thank
13 you for the time and attention that you gave to the case.

14 Mr. Gottlieb.

15 MR. GOTTLIEB: May we poll the jury, please.

16 THE COURT: Yes. Poll the jury.

17 LAW CLERK: Juror No. 1, is that your verdict?

18 JUROR NO. 1: Yes.

19 LAW CLERK: Juror No. 2, is that your verdict?

20 JUROR NO. 2: Yes.

21 LAW CLERK: Juror No. 3, is that your verdict?

22 JUROR NO. 3: Yes.

23 LAW CLERK: Juror No. 4, is that your verdict?

24 JUROR NO. 4: Yes.

25 LAW CLERK: Juror No. 5, is that your verdict?

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1 JUROR NO. 5: Yes.

2 LAW CLERK: Juror No. 6, is that your verdict?

3 JUROR NO. 6: Yes.

4 LAW CLERK: Juror No. 7, is that your verdict?

5 JUROR NO. 7: Yes.

6 LAW CLERK: Juror No. 8, is that your verdict?

7 JUROR NO. 8: Yes.

8 LAW CLERK: Juror No. 9, is that your verdict?

9 JUROR NO. 9: Yes.

10 LAW CLERK: Juror No. 10, is that your verdict?

11 JUROR NO. 10: Yes.

12 LAW CLERK: Juror No. 11, is that your verdict?

13 JUROR NO. 11: Yes.

14 LAW CLERK: Juror No. 12, is that your verdict?

15 JUROR NO. 12: Yes.

16 THE COURT: Now, ladies and gentlemen, you are
17 discharged from any further jury service with the thanks of the
18 Court. Stay healthy and we'll see you the next time. Thank
19 you very much.

20 (Jury excused. Time noted 3:54 p.m.)

21 THE COURT: This was what I'd like to do. I have
22 outstanding motions from the defense. I'm going to give, if
23 the defense wants to supplement those motions at all, it should
24 do so no later than February 18. The government should respond
25 to the outstanding motions by March 4. And the defense should

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1 reply to that response by March 25.

2 And then I'll set it down tentatively for April 13 for
3 further argument, if there is to be further argument, and I'm
4 going to set a sentencing date for June 29 at 10 o'clock.

5 Anything further by the parties?

6 MR. GOTTLIEB: We would ask that Mr. Doud be permitted
7 to continue to be released, based on the same terms as the bond
8 that's secured his release to date.

9 THE COURT: Any objection?

10 MS. ROTHMAN: No, your Honor.

11 THE COURT: Then that will continue.

12 I'll see all the parties on April 13. Or if we need
13 to meet before then, just let me know.

14 MR. GOTTLIEB: Thank you.

15 (Adjourned)